



CITY OF PALATKA PLANNING BOARD AGENDA

July 5, 2011

1. Call to Order.
2. Roll Call.
3. Approval of Minutes of the June 7, 2011 meetings.
4. Appeal procedures and Ex Parte Communication
5. **OLD BUSINESS**

Case 11-14 **Address:** 118-1 N. 19th Street
 Parcel #: (37-10-26-6850-3560-0000)
 Owner: SISL Inc.
 Agent: Craig Z Sherar

Request for a Conditional Use for an alcohol serving establishment within 300 ft. of a licensed establishment selling alcohol

6. **NEW BUSINESS**

Case 11-26 **Address:** 4109 Crill Ave.
 Parcel #: (11-10-26-0000-0573-0000)
 Owner: John W. Wolfenden
 Agent: Marc Spalding / Gene & Renda

Request for a Conditional Use to expand an existing child care facility in a C-2 zoning district.

Case 11-27 **Address:** 2400 St. Johns Ave.
 Parcel #: (02-10-26-7720-0280-0090)
 Owner: Lucile Maxwell Et Al
 Agent: Loretha W Johnson

Request for a Conditional Use to locate a child care facility in an R-2 zoning district.

Case 11-29

To consider the following administrative text Amendments to the City of Palatka Municipal Code and to provide recommendations to the City Commission:

1. Chapter 10 (Alcoholic Beverages) Amend Section 10-6 (e) to shift the responsibility of reviewing alcoholic beverage licenses from Zoning Administrator to Planning Director.
2. Chapter 54 (Planning) Amend Section 54-78 (d) to shift the responsibility of the (historic district) Certificate of Appropriateness process from the Building Official to the Planning Director.
3. Chapter 62 (Signs) Add new Section 62-15 to delineate setbacks for signs.

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4. Amend Section 78-162 (b); 78-165 (a), (b) and 78-167 to shift the responsibility of issuing business tax receipts from the Finance Director to the Building and Zoning Department.
5. Amend Chapter 94 (Zoning Code) Amend Section 94-2 to change references in Definitions from Zoning Administrator to Planning Director; amend Section 94-32, 94-34, 94-35, 94-38, 94-39, 94-40, 94-63, 94-65, and 94-66 to shift the responsibility of zoning code enforcement from the Zoning Administrator to the Planning Director; amend Section 94-112 (c) to shift responsibility interpreting zoning district boundaries from the Zoning Administrator to the Planning Director; amend Section 94-296 to require that landscape plans be prepared by licensed, Florida registered landscape architect; amend Section 94-302 (f), 94-310 (c), 94-310 (c)(2) and 94-313 (a) to shift the responsibility of administering buffering and screening requirements from the Zoning Administrator to the Planning Director; amend Section 94-313 (a) to shift the responsibility of administering buffering and screening requirements from Building Official to Planning Director; and amend Section 3-26; (a) 3-27 (a) & (d); 3-28; 3-29 (a),(b),(c) & (d); 3-30 (e), (f), (f2); 3-32 (a) & (b); 3-33 (a) (1) & (2); 3-34 (1) & (2); 3-35; 3-36 (a), (b) & (c)(1), (c)(2), (c)(3), & (d); 3-37 (a), (b), (d); 3-38 (a) & (g); 3-105 (1) & (2), 3-108; 3-139 and 10-6(3) to shift responsibilities of the zoning administrator to the Planning Director (Adult Entertainment regulations).

7. ADJOURNMENT

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105.



PALATKA PLANNING BOARD

Minutes of Regular Meeting

June 7, 2011

Meeting called to order by Board member and Acting Chairman Kenneth Venables at 4:30 pm.

Other members present: Sue Roskosh, Earl Wallace, Joseph Petrucci and Joe Pickens.

Members absent: Anthony Harwell, Zachary Landis, Carl Stewart and Ezekiel Johnson.

Also present: Planning Director Thad Crowe, Recording Secretary Pam Sprouse and City Attorney Don Holmes.

Acting Chairman Venables offered the sympathy and condolences of the Board to Mr. Stewart in the loss of his wife.

Motion made by Sue Roskosh and seconded by Joe Pickens to approve the minutes of the February 1st April 5th and April 11, 2011 meetings. All present voted affirmative, motion carried.

Ms. Sprouse read "To Appeal Any Decision." Acting Chairman Venables requested that disclosure of any ex parte communication be made prior to each case.

NEW BUSINESS

Case 11-09 **Address:** 310 S. Palm Av.
 Parcel #: (11-10-26-0000-1040-0000)
 Owner: Nancy M. Raby Living Trust

Request to Rezone from R-1A (Residential Single-family) to C-1 (General Commercial)

Ms. Raby was present.

Mr. Crowe advised that this proposed rezoning has a companion Future Land Use amendment. He explained that the existing building sits on split zoning, that the back half of the building is in residential zoning, the front half is in commercial zoning, and the rear part of the property is undeveloped with multi-family residential zoning. He further explained that the owner would like to rezone the middle part of the parcel and the rear of the building (zoned single-family residential) to commercial. He said that the proposed zoning is the same as the current adjacent zoning and that this application meets the rezoning criteria. He recommended approval for this request.

Motion made by Joe Pickens and seconded by Joseph Petrucci to accept staff recommendations to approve the request. Motion passed 5-0.

Case 11-11 **Address:** 300 Stillwell Ave.
 Parcel #: (02-10-26-7720-0280-0090)
 Owner: Lucile Maxwell Et Al
 Agent: Loretha W Johnson

Request to annex, amend the Future Land Use Map from County RL (Residential Low-Density) to RL (Residential Low Density) and rezone from County R-1A (Residential 1-A, Single-Family) to R-1A (Single-Family Residential).

Mr. Crowe explained that there are single-family and multi-family designations in the City and County areas surrounding this parcel, and that this area is part of a County enclave that we are nibbling away little by little. He said that it does meet the annexation, Future Land Use Map amendment, and rezoning criteria and recommended approval. Mr. Petrucci asked why the applicant was pursuing this application. Mr. Crowe advised that the applicant wanted to connect to city utilities.

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Motion made by Joseph Petrucci and seconded by Sue Roskosh to approve the request. Motion carried 5-0.

Case 11-12 **Address:** 1024 S Highway 19
 Parcel #: (10-10-26-0000-0210-0000)
 Owner: Walmart Stores Inc.
 Agent: TNT Fireworks (Wesley Reid)

Request for a Conditional Use for a temporary sale of seasonal goods (fireworks) in a C-2 zoning district

Mr. Crowe advised that this has been done traditionally every year for the past several years and the sale time period will be from June 24 through July 5th. He added that there is sufficient parking, that the sale area will be contained within a parking row and that no designated ingress or egress areas will be blocked. He advised the Board of a notice glitch with this item, that it was discovered a little too late that the 30 day mail notice to surrounding property owners requirement was not met, that the notices were sent out just 20 days in advance.

Mr. Holmes stated that certified notices to surrounding properties was not sent in the specified time frame of 30 days, however, strict application of these notice timeframes would place a hardship on the applicant, as there will not be another meeting between now and the time when the sales would commence. He added that noticing efforts were made in a 20 day range and the publication requirement was met. There are grounds for appeal but he believed such grounds would hinge on the ability of an appellant's ability to prove that they were prejudiced by the fact that they only received 20 days notice instead of the 30 days.

Mr. Pickens asked staff if they had received any communication from anyone who might have felt aggrieved by the absence of the additional 10 days. Mr. Crowe advised that no communications had been received and recommended approval. Mr. Wallace commented that this request has come before the Board year after year, with the same people and there have been no objections or complaints received.

Mr. Pickens stated that as this is a reoccurring seasonal event for a number of years, and in the absence of anyone having indicated they felt aggrieved by the absence of 30 days notice, and on the advice of the City Attorney, he would move to approve.

Motion made by Joe Pickens and seconded by Earl Wallace to approve the request. Motion carried 5-0.

Case 11-14 **Address:** 118-1 N. 19th Street
 Parcel #: (37-10-26-6850-3560-0000)
 Owner: SISL Inc.
 Agent: Craig Z Sherar

Request for a Conditional Use for an alcohol serving establishment within 300 feet of another licensed establishment selling alcohol.

Mr. Crowe advised that the applicant has requested to have this case tabled to the July meeting to allow for appropriate notification, as the applicant also wanted to discuss required buffering conditions with staff. Mr. Holmes would recommend that the Board ask if there anyone who is here today for this case that cannot come back for the next meeting and allow them to get their comments on the record. No one spoke to the request.

Motion was made by Joe Pickens and seconded by Earl Wallace to table the request until the July 5, 2011 meeting. Motion carried 5-0.

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Case 11-15 Address: Multiple locations within the City

Request to consider amendments to the Future Land Use Map and/or the Official Zoning Map, for certain properties throughout the City, as an administrative measure, and make recommendation to the City Commission to correct discrepancies as described in the following three tables:

Table 1: School District-related corrective Future Land Use amendments

Site	Address	Allowable Uses	Existing Use	FLUM	Proposed FLUM
James A Long Elem. School	1400 Old Jacksonville Rd.	water plants, ponds, etc.	School	OPF	PBG
Jenkins Middle School	1100 N. 19 th St. (School)	water plants, ponds, etc.	School	OPF	PBG
Jenkins Middle School	1900 Napoleon St. (Gym)	Multi-family	School	RH	PBG
Beasley Middle School & Ballfield	1110 S. 18 th St. & NW Corner of Moseley Ave. & Kate St.	water plants, ponds, etc.	School	OPF	PBG
Kelley Smith Elem. School	141 Kelley Smith School Rd.	Single-family	School	RL	PBG
Mellon Elem. School	301 Mellon Rd.	water plants, ponds, etc.	School	OPF	PBG
Palatka High School	302 Mellon Rd.	water plants, ponds, etc.	School	OPF	PBG
Moseley Elem. School	1100 Husson Ave.	Multi-family	School	RH	PBG
School District Warehouse	1001 Husson Ave.	Single-family	School Warehouse	RL	PBG

Table 2: Public Properties corrective Future Land Use amendments and/or rezoning:

Site	Address	Allowable Uses	Existing Use	FLUM	Proposed FLUM	Zoning	Proposed Zoning
City Lift Station	1216 Cleveland Ave.	Single-family	City facility	RL	PBG OPF	No change	
Edgar Johnson Senior Ctr.	1215 Westover Dr.	Multi-family	Community Center	RH	PBG	R-3	PBG-1
ARC of Putnam County	1215 Westover Dr.	Multi-family	Institutional	RH	PBG	C-1	PBG-1
Oak Hill West Cemetery	712 S. Palm Ave.	water plants, ponds, etc.	Cemetery	OPF	PBG	C-1	PBG-1
Westview Cemetery	317 Osceola St.	Multi-family	Cemetery	RH	PBG	R-3	PBG-1
Oak Hill Cemetery	2900 Crill Ave.	water plants, ponds, etc.	Cemetery	OPF	PBG	R-3	PBG-1
Water Treatment Plant	320 Moody Rd.	water plants, ponds, etc.	Water plant	OPF	PBG	M-1	PBG-2
Sheriff's Office & Jail	130 Orié Griffin Blvd.	water plants, ponds, etc.	Gov't office	OPF	PBG	C-2	PBG-2
St. Johns River State Coll.	5001 St. Johns Ave.	water plants, ponds, etc.	College	OPF	PBG	R-3	PBG-1
School Dist. Bus Gar.	1207 Washington St.	Multi-family	Bus Complex	RM	PBG	R-2	R-2
Airport	Reid St./Moody Rd.	water plants, ponds, etc.	Public Airport	OPF	PBG	M-1	AP-1/AP-2

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Table 3: Private Properties corrective Future Land Use amendments and/or rezoning:

Site	Address	Allowable Uses	Existing Use	FLUM	Proposed FLUM	Zoning	Proposed Zoning
Airport area		water plants, ponds, etc.	Airport-related	OPF	IN	M-1	AP-2
Parcel SW of Jail	N side of HWY 19	water plants, ponds, etc.	Undeveloped	OPF	COM	No change	
310 S. Palm Ave.		water plants, ponds, etc.	Retail/office	OPF	COM	(By applicant)	
306 S. Palm Ave.		water plants, ponds, etc.	Service (credit union)	OPF	COM	No change	
Residential area around Beasley Middle School		Parks	Single-family	REC	RL	No change	
Portion of Rolling Hills Subdivision		Multi-family	Single-family	RM	RL	No change	
Residential area east of Ravines		water plants, ponds, etc.	Single-family	OPF	RL	No change	

Mr. Crowe explained with regards to Table no. 1, the schools are currently in a variety of land use categories, and that the Comprehensive Plan directs us to put schools and government facilities into the PB (Public Buildings and Grounds) category. He explained that OPF (Other Public Facilities) is meant for things like sewer plants and wastewater treatment plants, and that RH and RL are Residential use classifications for low and high density residential development. He added that these are public properties, that these areas are basically in the wrong land use category and that this is a housekeeping measure to put them where they belong.

Mr. Crowe advised with regards to Table no. 2, that these are the public properties that are basically in the wrong land use category. He added that this is a housekeeping measure to put them in the appropriate land use category, which is PB. He stated that unlike the school properties, they are proposing a rezoning change for most of them, mostly to PBG-1 (Public Buildings and Grounds and Other Public Facilities districts) and AP-1 (Airport zoning) for the runway part and AP-2 (Airport Related zoning) for the non-runway portion for the Airport areas, which are the appropriate zoning categories for these quasi-government uses. He requested that the Water Treatment Plant (320 Moody Rd.) be removed from the table as it already has the appropriate OPF designation.

Mr. Crowe further advised with regard to Table no. 3, the Airport area includes various parcels privately owned which are recommended for Industrial Land Use. The small parcel SW of the Jail and also 306 and 310 S. Palm Avenue which are currently designated Other Public Facilities and would be more correctly categorized as Commercial. The residential area around Beasley Middle School (mostly single family homes) is inappropriately categorized as Recreation (for parks), and of course, people are not supposed to live in parks, so we are proposing to put the appropriate low-density land use designation in the rear of the school area. He stated that the area east of the Ravines is a single-family neighborhood and is proposed for a RL use designation. He ended by saying that all of these proposed changes are meant to be corrective measures, to have the Comprehensive Plan map more accurately reflect what is actually out there.

Yvonne Johnson stated that she has lived near Jenkins Middle School for years and that she wants to stay in the county. Acting Chairman Venables advised that this is not an annexation request, and would not impact her property in that way.

Mike Lewis, 2313 Prosper St., stated that he lives in front of Moseley School/warehouse and has for over 23 years and he does not want to see a bus barn and warehouse there. He spoke in opposition of the request, stating that he and his neighbors are bothered by the noise with trucks coming and going, the sanitation trucks and the unsightly storage yard.

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He stated that the surrounding area is residential and he and his neighbors do not want this eyesore warehouse/storage facility of this sort in front of their homes. He pleaded with the Board not to approve this rezoning request.

Acting Chairman Venables asked Mr. Crowe if the proposed action in any way changes the use of that property. Mr. Crowe stated that the Land Use category does not get specific enough to govern this kind of thing and schools are allowed in most Land Use categories, even residential. He stated that we are not proposing to change the zoning of this site however, the use that is there may not be compatible with the zoning that is in place there and that this particular action will not affect the allowance of the current activity on this site. Mr. Holmes pointed out that currently the land use is Residential Low-Density and is consistent with the current zoning. He asked if the Land Use were changed to PB would that be consistent with the existing residential zoning. Mr. Crowe advised that there is not a strict matrix for the PBG land use category as to what zoning districts are allowed therefore, a public land use category could be accompanied by pretty much any zoning districts; schools are allowed in pretty much any zoning category.

(Note: actually there is a matrix in the Zoning Code (Sec. 94-111(b) and the PB land use category only allows the PBG-1 zoning district – we apologize for this oversight.)

Mr. Holmes stated the he guesses what the residents are concerned about is that if the land use category is changed then later there will be a request to change the zoning category to better fit the warehouse use. Mr. Pretrucci asked if the current use was incompatible with the current residential zoning designation and spoke to Mr. Holmes' point, that it is one thing to have a school in a residential location, but quite another to have a warehouse facility in a residential neighborhood. Mr. Crowe stated that is correct, but that he had not seen a formal complaint or code enforcement action in this matter. Robert Cavouti stated that he spoke to Mr. Crowe two weeks ago, and has complained about this in the past. Mr. Crowe advised that if he receives a formal complaint filled out by any interested citizen, his office will investigate and provide a finding as to whether the activities are compatible with the zoning and what need to be done about it.

Mr. Holmes reiterated for clarification, presuming the future land use designation was changed to PB and the zoning stays the same, if someone makes a complaint about the current zoning and the non-conforming use, that results in a Code Violation - the owner could then request a zoning change to PBG-1, and that requested zoning change would be then consistent for the current use, to meet compliance. Mr. Crowe replied he was not aware of the warehouse use when this list that he inherited was put together. He does not have a problem with the Board taking this request off the table for consideration.

Acting Chairman Venables suggested that the Board have discussion and vote on each table individually, rather than consider all three of them together. Mr. Pickens stated that it might be fair to pull the School District warehouse item if we are going to investigate it.

Motion made by Joe Pickens and seconded by Joe Petrucci to remove the School District Warehouse at 1101 Husson Ave. from the list of Table no.1 for consideration. Motion carried 5-0.

Robert Cavouti, 2206 Prosper Street, commented that he knew that this item had been removed from the list, but he wanted to speak on it. He stated he has lived there 32 years and that about two years ago the School District put the warehouse there (summer of 2009). They relocated the School Board warehouse from the Mathews Industrial Park to the Moseley Ave location. In October of 2009 he spoke with Debbie Banks and asked why the warehouse was in a residential area. She advised that it should not be there. Meanwhile he and his neighbors tried to speak with the School Board Superintendant about their concerns regarding the 18-wheelers going in and out and that this is also a maintenance facility, he had made it quite clear to them that they would not relocate the warehouse and maintenance facility. He said he has spoken to Ms. Banks several times, and in April of 2011 Ms. Banks advised that she was waiting on the School Board to make application to rezoning, so that the warehouse could stay there. He stated that he had told her that warehouse has got to go and she told him to go to the school board and complain and that he felt he had been

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blown off by both agencies. He shared photo evidence with the Board regarding unlicensed, derelict busses for auction that sat there for months, as well as the maintenance area, stating that as of last night, there is also heavy equipment parked there. He added that he spoke with the Code Enforcement Officer last week and that she stated that "maybe we will write a letter" and he was not sure what that was to have meant. He pleaded with the Board to please help the citizens, that this area is surrounded by residential homes and that if this School Board property is rezoned, they will put all sort of things there and as they have, and to keep this in mind that they moved their warehouse there and did not call the zoning department or anyone before they made this move to ask if it was okay - they just did it.

Mr. Holmes advised that he did not believe that any further discussion or testimony on 1101 Husson Ave. was appropriate when the item has been removed from consideration. He added to proceed to take testimony at this point is more than an exercise of futility because these people are putting things on the record that is not being considered by anyone who is making a decision on the topic at hand anymore, plus there is no one here for the other side to talk about it. He said he believes that if these people want to make a complaint it should be received by staff and processed like any other complaint and put before the Code Enforcement Board for them to make a decision on, and then all these comments could come into play at that time. Mr. Pickens stated that it is not appropriate for the Board to debate whether there is a code violation there or not, and that the Board did what they had asked for use to do – it was removed from the agenda and no action was be taken on the School Board property. Mr. Cavouti asked although this item is tabled, if this comes up again, which he is sure it would one way or the other and wanted to know if the property owners surrounding the affected area would be notified. Mr. Crowe advised that if it came before the Planning Board for action, surrounding property owners within 150 feet would be notified, but if it was a Code Enforcement action, there would not be notification issued, however, the residents could contact him and he would be glad to advise of the status.

Mr. Sonny McCoy, 116 Putnam Ave., stated concerns of the changes to Jenkins Middle School having to pay double tax if their property is taken into the City and rezoned and the possibility of apartment buildings being put there. Acting Chairman Venables advised that this is not an annexation and that today's action is just a housekeeping effort, to change the Land Use designation to more appropriately reflect what is there and that it would not affect his property in that way. Mr. Petrucci advised that with today's action the change would be going from Residential High-Density to Public Buildings and Grounds, so in essence we would be going in the direction that Mr. McCoy is looking for. Ms. McCoy, 116 Putnam Ave., commented that there are a lot of trucks coming and going adding to the existing noise problems and that if any action were to take place, she wished the Board could make some of that go away.

Motion made by Joe Petrucci and seconded by Sue Roshkosh to approve Table no. 1 (School District-related corrective Future Land Use amendments) with the exception of the School District warehouse which was previously removed from this table. Motion carried 5-0.

Motion made by Earl Wallace and seconded by Sue Roskosh to remove St. Johns River College (5001 St. Johns Ave.) from table no. 2 and have that item stand alone for consideration. All present voted affirmative. Motion carried.

Janet Cavouti, 2206 Prosper St. stated concerns regarding Table 2 School District Bus Complex has been there a long time and is worried that the School Board warehouse at this location may also be moved over to the existing Moseley Ave. warehouse facility. Mr. Crowe stated that the intent is to put all the schools into that PBG category, as they are public uses. Mr. Pickens stated that the action on this item today, will not affect what the School Board can or cannot do over at Moseley. Acting Chairman Venables stated that the School Board has options that they may exercise, and if they choose to exercise them there is a procedure that will be followed that will require discussion and votes, etc.

Motion made by Joe Pickens and seconded by Sue Roskosh to approve table no. 2, excluding the request for St. Johns River State College. Motion carried 5-0.

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Mr. Pickens told the Board that he would abstain from voting on the St. Johns River State College item that was removed from table no. 2, due to the fact that he is the president of the college.
No one spoke to this request.

Motion made by Mr. Wallace and seconded by Ms. Roskosh to remove St. Johns River College (5001 St. Johns Ave.) from table no. 2 and have that item stand alone for consideration. Motion carried 5-0.

St. Johns River State College	5001 St. Johns Ave.	water plants, ponds, etc.	College	OPF	PBG	R-3	PBG-1
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Mr. Crowe advised that this item is as the others were - a corrective measure.

Motion by Joe Petrucci and seconded by Sue Roskosh to approve the request for St. Johns River State College. Motion carried 4-0, with Mr. Pickens abstaining.

Mr. Crowe gave an overview of Table no. 3 and advised that all of the measures are meant to be corrective in the eyes of the Comprehensive Plan, and to reflect what is actually there, if it is commercial or residential it should appropriately reflect what is there.

No one spoke to the request.

Mr. Wallace asked what portion of the airport was included. Mr. Crowe stated that it included the airport and Kay Larkin Circle, adding that most of the airport is publically owned, but that there were a few parcels that are privately owned within the airport boundaries. The zoning for most of those will not change, with the exception of the airport area being changed from Industrial to AP-2.

Mr. Petrucci if the Rolling Hills zoning would be appropriate. Mr. Crowe advised that staff did a field visit and determined which homes were duplexes and which were single-family to make sure the correct Future Land Use category was assigned.

Motion made by Joe Petrucci and seconded by Joe Pickens to approve Table no. 3. Motion carried 5-0.

Case 11-18 **Address:** 3829 Reid St.
 Parcel #: 02-10-26-0000-0390-0010
 Owner: Terry L & Lisa M Geck

Request to annex, amend the Future Land Use Map from County CR (Commercial) to COM (Commercial) and rezone from County C-2 (General Commercial) to ~~M-1 (Industrial)~~ C-2 (Intensive Commercial)

Mr. Crowe advised that Reid St. is a commercial corridor and that this request meets the annexation, Future Land Use Map amendment, and rezoning criteria. He added that the applicant wants to connect to city utilities to expand his existing business and recommended approval.

Mr. Geck stated that he currently has C-4 zoning in the County and wanted to know if the requested city zoning was the equivalent. Mr. Crowe advised that it was the closest equivalent without going to a different category and this zoning would allow for the sale and associated preparation of his sauces.

No one spoke to this request.

Motion by Joe Pickens and seconded by Ms. Roskosh to approve the request. Motion carried 5-0.

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Case 11-19 **Address:** 890 N. State Rd. 19
 Parcel #: 02-10-26-0000-0040-0000
 Owner: Abundant Life Ministries of PC Inc.

Request to annex, amend the Future Land Use Map from County PF (Public Buildings Grounds & Facilities) and County US (Urban Service) to PB (Public Buildings and Grounds) and rezone from County C-2 (Commercial, General, Light) and County AG (Agriculture) to C-1 (General Commercial)

Mr. Crowe gave an overview of the request, advising that it meets the annexation, Future Land Use Map amendment, and rezoning criteria. He stated that the current use is an allowable use in the requested C-1 zoning and recommended approval for this request.

Motion made by Joe Petrucci and seconded by Sue Roskosh to approve the request. Motion carried 5-0.

Case 11-20 **Address:** East side of Moody Rd.
 Parcel #: 02-10-26-0000-0420-0010
 Owner: City of Palatka

Request to annex, amend the Future Land Use Map from County US (Urban Service) to IN (Industrial) and rezone from County IL (Industrial) to M-1 (Industrial)

No one spoke to this request.

Mr. Crowe advised that this is currently an industrial area and the requested future land use and zoning is in keeping with the general character of that area. He stated that the request meets the annexation, Future Land Use Map amendment, and rezoning criteria. He recommended approval of the request.

Motion made by Joe Petrucci and seconded by Sue Roskosh to approve the request. Motion Carried 5-0.

Case 11-21 **Address:** 701 N. Moody Rd.
 Parcel #: Multiple
 Owner: Palatka Land Development Co.

Request to annex, amend the Future Land Use Map from County US (Urban Service) to IN (Industrial) and rezone from County IL (Industrial) to M-1 (Industrial)

Mr. Crowe advised that this case has been withdrawn by the applicant, basically due to the desire to not be double taxed. No action was taken.

Case 11-22 **Address:** Hudson Street properties (portion)
 Parcel #: Multiple
 Owner: S & S Properties of South Florida; The Manicore Industries Inc. and Manicore Industries Inc. Et Al
Request to annex, amend the Future Land Use Map from County US (Urban Service) to RH (Residential High-density) and rezone from County R-1A and R-3 (Single-family and Multi-family Residential) to R-3 (Multi-family Residential).

Mr. Crowe advised that the property is contiguous to the City limits and the proposed future land use and zoning are in keeping with the surrounding area and the Comprehensive Plan. He recommended approval of the request. Discussion ensued regarding the surrounding City and County zoning and land use designations. Kenneth Schwing, 126 Elderberry Lane, stated that they plan to build affordable housing for veterans as it is very conveniently located to the VA Hospital. They propose only to build on part of the property and leave as much as they can for recreation areas for the Veterans.

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Don Holmes commented that at this time, the Board should simply consider the Future Land Use and Zoning categories and associated allowances and not any proposed use, as there is no PUD or developers agreement and would not want anyone to feel misled, if it doesn't turn out to be veterans housing. Mr. Crowe advised that a PUD may be preferred in the future, as it is a heavily treed area and tree preservation among other things would be looked at. He added even though this is requested for a higher density than what is currently there, it is in keeping with the surrounding area and he also believes that there would be more tree preservation, and a better project when going with a higher density.

Motion made by Joe Petrucci and seconded by Joe Pickens to approve the request. Motion carried 5-0.

Case 11-23 **Address:** 908 N. State Rd. 19
 Parcel #: 02-10-26-0000-0190-0010
 Owner: Palatka Baptist Temple Inc.

Request to annex, amend the Future Land Use Map from County PF (Public Buildings Grounds & Facilities) and County US (Urban Service) to PB (Public Buildings and Grounds) and rezone from County R-2 (Residential, Mixed) and County AG (Agriculture) to C-1 (General Commercial).

Mr. Crowe gave an overview of the request, stating that the property is contiguous to the city limits if the Abundant Life Church is annexed, that one property follows the other as their requests do on the Agenda, and complies with the annexation, zoning and Comprehensive Plan criteria and recommended approval.

No one spoke to this request.

Motion made by Joe Pickens and seconded by Joe Petrucci to approve the request. Motion carried 5-0.

Case 11-17 **Address:** 102 Phillips Dairy Rd.
 Parcel #: 02-10-26-0000-0220-0000
 Owner: Schwing Kenneth W & Diane M

Request to annex, amend the Future Land Use Map from County CR (Commercial) to COM (Commercial) and Rezone from County C-2 (General Commercial) to C-1 (General Commercial).

Mr. Crowe gave an overview of the case and advised this is an existing residential building, acquired with the intention of commercial improvement for a barber shop and take out restaurant. He added that the parcel is contiguous to the City limits once the Palatka Baptist Temple and the Abundant Life Ministries annexations take place and that it considered compact development and it complies with the zoning and Comprehensive Plan criteria. He recommended approval. Discussion took place regarding the contingency of contiguity of this request based of Baptist Temple and Abundant life annexations.

No one spoke to this request.

Motion made by Joe Pickens and seconded by Sue Roskosh to approve this request contingent upon the actual annexation of the properties identified in cases numbered 11-19 and 11-23. Motion carried 5-0.

Motion made by Joe Pickens and seconded by Earl Wallace to reconsider case 11- 23. Motion carried 5-0.

Motion made by Joe Pickens and seconded by Joe Petrucci to approve case 11-23 contingent upon case 11-19 being approved. Motion carried 5-0.

Planning Board Minutes June 7, 2011

Case 11-24 To consider the following administrative text amendments to the Future Land Use Element and the Public Facilities Element of the Comprehensive Plan and to provide recommendations to the City Commission for the following:

1. To revise Policy D.1.9.3 to allow for residential uses in the Commercial land use category, limited to Downtown zoning districts, subject to density, design and locational limitations.
2. To revise Policy D.1.4.3 to change the timeframe of required hookup to City water system for properties within 250 feet of City water a line from 90 days to one year.

Mr. Crowe advised we have enough sticker shock trying to get people to annex into the city, and believes that extending the current 90 day connection requirement to one year allows a more appropriate time frame.

Motion by Joe Pickens and seconded by Sue Roskosh to approve the request. Motion carried 5-0.

Case 11-25 To consider the following administrative text amendments to the City of Palatka Municipal Code and to provide recommendations to the City Commission:

1. amend Section 94-114(d)(1) of the Palatka Municipal Code to allow for the limited encroachment of nonconforming structures into setbacks through the Conditional Use process, with specific approval criteria including consideration of adverse impacts to surrounding properties.
2. amend Section Sec. 94, Division 2, Schedule of Districts of the Palatka Municipal Code to allow for additional sign types in non-residential zoning districts.
3. amend Section 94-67 of the Palatka Municipal Code to clarify applicability of variances, and provide specific variance criteria.
4. amend Appendix A of the Palatka Municipal Code Fee Schedule pertaining to Sewer Impact Fees (Section 54-157).

Mr. Crowe reviewed each of the four text amendments. He stated that item numbers 1 and 3 recognizes that older neighborhoods in the community do not conform to cookie-cutter setback standards. He added that these changes will allow flexibility to apply for variances into setback encroachments. The intent is not to allow for overcrowding but to allow for reasonable use of properties in the older neighborhoods. Regarding the sign change (number 2) he advised that Code only allows wall signs in our commercial districts and that in the past signs have been permitted in error. He added that the proposed changes would allow basically what is out there now in our commercial districts and provide rational criteria for varying from sign size and height.

Discussion took place regarding current sign types and sizes and the need for a happy medium. Several members commented that the City allowed overly large and tall signs, which were not needed.

Motion made by Joe Pickens and seconded by Sue Roskosh to approve the text amendments as submitted. Motion carried 5-0.

7. ADJOURNMENT

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE PLANNING BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED, AT THE EXPENSE OF THE APPELLANT. F.S. 286.0105.

Case 11-14
Request for a Conditional Use for Establishment Serving Alcohol
within 300 feet of Similar Establishments
118-1 N. 19th St.
Applicant: Craig Z. Sherar

STAFF REPORT

DATE: June 24, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

Conditional Use allowing an establishment serving alcohol within 300 feet of other establishments serving alcohol. Required public notice included legal advertisement, property posting, and letters to nearby property owners (within 150 feet). This application was tabled from the June meeting to ensure proper notice would be given and to allow the Applicant and staff time to review sections of the landscape code pertaining to this development.

APPLICATION BACKGROUND

This request is associated with the opening of a tavern type lounge in the shopping center located at the southwest corner of Reid St. and N. 19th St. The unit is the northernmost end unit in the center, formerly occupied by Southwell's Restaurant. Other units in the 10-unit center are occupied at this time.



Figure 1 (above): Site from the North (across Reid St.)

Figure 2 (below): Property to West (office, motel)



The Applicant provided a brief narrative and sketch plan of the site, attached with this report.

Table 1: Site and Vicinity Land Use and Zoning Classifications

Property	FLUM	Zoning	Existing Use
Site	COM (Commercial)	C-2 (Intensive Commercial)	Retail shopping center
Property to North (across Reid St)	COM (Commercial)	C-2 (Intensive Commercial)	Retail (Goodwill Palatka, vacant building)
Property to South (across St. Johns Ave.)	RH (Residential, High Density)	R-3 (Multi-Family Residential)	Single-family residences
Property to West NE Corner Moseley/Reid (across Moseley Ave.)	COM (Commercial)	C-2 (Intensive Commercial)	Smoke shop Motel, offices
Property to East (across N. 19 th St.)	COM (Commercial)	C-2 (Intensive Commercial)	Retail (convenience store, hearing aids store)



Figure 3: Aerial Map of Site and Vicinity

Chapter 10 of the Municipal Code regulates alcoholic beverages. Section 10-3 of this chapter provides specific distance/separation requirements, including a 300-foot separation between establishments licensed to sell alcohol. The required license in this case is from the Division of Alcoholic Beverages and Tobacco of the State of Florida Department of Business and Professional Regulation.

Section 94-3 of the Zoning Code governs Conditional Uses, and provides the authority for granting such uses to the Planning Board, although the decision can be appealed to the City Commission by an "aggrieved" person.

PROJECT ANALYSIS

Criteria for consideration include the following (*italicized*) as well as the general finding that the conditional use will not adversely affect the public interest.

a. Compliance with all applicable elements of the comprehensive plan.

The application is not in conflict with applicable elements of the Comprehensive Plan.

b. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Vehicle access for the center is by continuous curb cuts along N. 18th St. and Reid Street. Both streets have sidewalks, as does the center along its front. There is adequate vehicle and pedestrian access to the use.

c. Off-street parking and loading areas, where required, with particular attention to the items mentioned in subsection (4)b of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.

Adequate and accessible parking is provided in the center's parking lot. There only nearby residential uses are on the opposite end of the shopping center along the south side of St. Johns Avenue, far enough away to not be impacted by the proposed use in terms of most of these factors.

d. Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.

A refuse dumpster is provided east of the building, immediately adjacent to the Moseley Ave. right-of-way. This dumpster is not screened in accordance with Zoning Code Sec. 94-311 (required screening by plants, opaque fencing, or masonry walls to provide between six and eight feet of screening).

e. Utilities, with reference to location, availability and compatibility.

The property is appropriately served by utilities.

f. Screening and buffering, with reference to type, dimensions and character.

The property was developed prior to adoption of the City's landscape ordinance, and there are no landscape areas on the property. Staff has confirmed with the City Attorney that Zoning Code Section 94-302(b)(3) requires that a Conditional Use conform with applicable sections of the landscape code. Conditional Use applicants in the past have not been required to conform to such Landscape Code requirements. In this case a street frontage buffer (Sec. 94-305) is triggered by the Conditional Use. The following table shows the two options and required plantings for the street frontage buffer, which would be required along all four adjacent streets.

Table 2: Applicable Buffer Planting Standards

	Option 1	Option 2
Street Frontage Buffer Width	5 feet	8 feet
Total Frontage	950 feet (approx.)	
Canopy Trees per 100 linear feet	2	1
Total Canopy Trees Required	19	9
Shrubs per 100 linear feet	30	25
Total Shrubs Required	285	237

Staff believes that these requirements, particularly the required shrub plantings, pose an inordinate burden on the Applicant in an existing development scenario like this and will be proposing a Code revision that provides for a variance from these requirements or reduces required landscaping to a proportionate level in the case of a tenant in an existing shopping center such as this. At such time that these changes are adopted, the Applicant will have to meet the new standards.

As far as this criterion, there are no special circumstances that would require screening and buffering that is beyond what is required by the Landscape Code. Therefore Staff believes that meeting the current code or whatever code changes are applicable will be adequate for the applicability of this criterion to this application.

g. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.

Any proposed signs shall meet the current code in regard to signs and exterior lighting. The Code does not have any standards to prohibit glare caused by exterior lighting, therefore Staff proposes to include a condition that would include such a prohibition for future exterior lighting for this use.

h. Required yards and other open space.

See f. above.

i. General compatibility with adjacent properties and other property in the district.

The Comprehensive Plan and Municipal Code view compatibility in light of nonresidential uses impacting residential uses. With the exception of the residential uses on the south side of St. Johns Avenue, surrounding uses are all nonresidential and therefore are no issues pertaining to compatibility. The residential uses are far enough away to not be impacted by this use, although some may make the argument that potential increased crime attributable to alcohol establishments might affect such properties.

j. Any special requirements set out in the schedule of district regulations for the particular use involved.

The use must meet all requirements of Municipal Code Chapter 10 pertaining to alcoholic beverage establishments, including hours of operation limitations. The Applicant has provided proposed hours of operation which are reduced from the Code's hours of operations, as shown in the following table.

Table 2: Hours of Operation Comparison

	Code	Applicant	Code	Applicant	Code	Applicant
	Mon-Thurs.		Fri.-Sat.		Sunday	
From	7 AM	12 Noon	7 AM	12 Noon	1:00 PM	1:00 PM
To	2 AM	12 Midnight	2 AM	2 AM	12 Midnight	12 Midnight

k. *The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.*

Not applicable.

Impact on Public Interest

A review of the criteria above indicates that the proposed conditional use would not present a substantially negative impact on the overall public interest of the surrounding area and the City as a whole. Required landscaping improvements and screening of the dumpster would have a positive affect on the appearance of the property and surrounding streets as well.

It should be noted that the Police Department provided a courtesy conceptual review of the application, which found that based on current data the use could generate around 31 calls for service a year and generate the need for an additional .07 police officers. This report did not provide a recommendation of approval or denial and did not provide specific recommendations. Staff would note that there may be public input during the consideration of this item that could lead to additional conditions on the proposed use.

A motion for approval should include any relevant conditions and the staff findings for approval. Per Section 94-3(6) should the Planning Board decide to deny the application, such a motion should include the reasons for doing so, including reasons pertaining to the criteria listed above.

STAFF RECOMMENDATION

As demonstrated in this report, this application meets applicable conditional use criteria. Staff recommends approval of Case 11-14, conditional use for alcoholic beverage establishment with the following conditions:

1. Live entertainment shall be limited to music, including live bands, karaoke, and DJs; and no outdoor entertainment is allowed.
2. The use shall operate within the following hours: Sunday-Thursday 12 Noon to 12 Midnight, Friday-Saturday 12 Noon to 2 AM, and Sunday 1 PM to 12 Midnight.
3. At the Applicant’s choice, the use must comply with existing landscape buffering and screening standards or any such revised standards upon their adoption. Such planting requirements shall be determined after the Landscape Code changes are made and would not require Planning Board approval.
4. Exterior lighting must be shielded and downcast so as not to create glare that shines on adjoining properties or roadways.
5. All other applicable standards of the Municipal Code must be met.

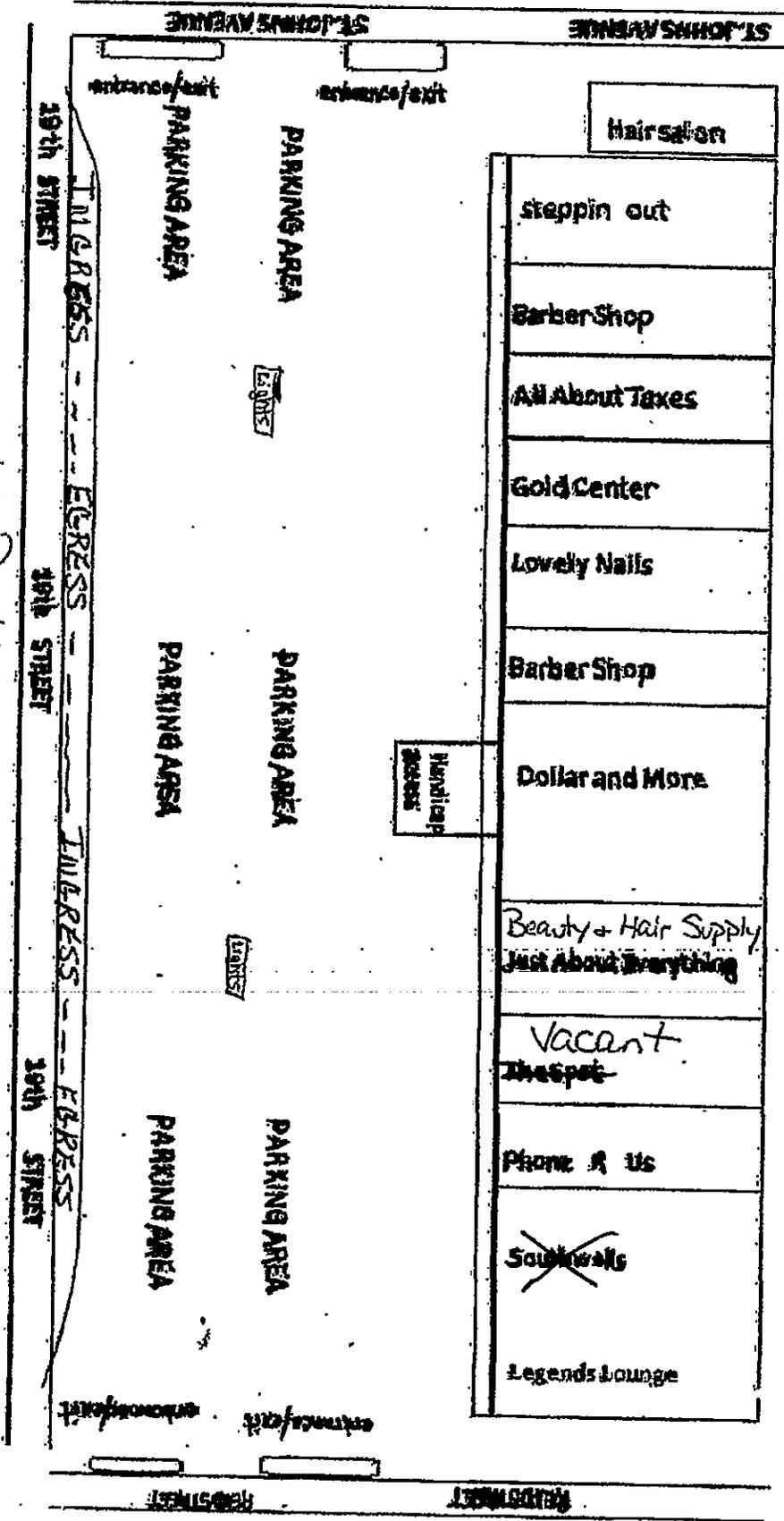
ATTACHMENTS: MAP
APPLICANT’S NARRATIVE
APPLICANT’S SKETCH PLAN



Case 11-14
Conditional Use for Alcohol Sales
118-1 N. 19th St

We are applying for a conditional use to open a Bar Located at 118-1 N 19th St (The old Southwells) which was a Restaurant and Lounge for 25 plus years. It is a location that has formally been used for this type of activity. It is consistant with prior use. It is a commercial non residential area.

it is also accessible to main roads. The location is within a Plaza which provides parking and proper lighting. This location will provide entertainment such as Pool and Dart tournaments and Live entertainment. We want to provide a nice, clean, safe place for mature adults to come socialize. Hours of operation will be Sunday - Thursday 12:00 to 12:00 AM Friday & Saturday 12:00 to 2:00 AM we expect to employ 10 to 12 people.



66 Parking spaces
 6 Handicap spaces
 72 Total Parking spaces

Case 11-26
Request for a Conditional Use for Expansion of Existing Child Care Facility
4109 Crill Ave.
Applicant: Marc Spaulding
Owner: John W. Wolfenden

STAFF REPORT

DATE: June 24, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

Conditional Use allowing the expansion of an existing child care facility. Required public notice was met, including legal advertisement, property posting, and certified letters to nearby property owners (within 150 feet).

APPLICATION BACKGROUND

The facility is located on the south side of Crill Avenue, between S. SR 19 and S. Moody Ave. The following table shows land uses of the site and vicinity.

Table 1: Site and Vicinity Land Use and Zoning Classifications

Property	FLUM	Zoning	Existing Use
Site	COM (Commercial)	C-2 (Intensive Commercial)	Retail shopping center
Property to North (across Crill Ave.)	COM (Commercial) County US (Urban Reserve)	C-2 (Intensive Commercial) C-1 (Commercial Neighborhood)	Bank, Single-family residence (in County)
Property to South	RH (Residential, High Density)	R-3 (Multi-Family Residential)	Apartments
Property to West	COM (Commercial)	C-2 (Intensive Commercial)	Vacant commercial building
Property to East	COM (Commercial)	C-2 (Intensive Commercial)	Undeveloped

The applicant provided a sketch plan of the site, attached with this report. Slightly less than one-half of the building is currently utilized, and the applicant intends to utilize the remainder of the building except for a future expansion area in the northwest corner of the building.

Section 94-3 of the Zoning Code governs Conditional Uses, and provides the authority for granting such uses to the Planning Board, although the decision can be appealed to the City Commission by an "aggrieved" person.



Figure 1 (above): Aerial View of Site Figure 2: (below): Site from North (Crill Ave.)



PROJECT ANALYSIS

Criteria for consideration include the following (*italicized*) as well as the general finding that the conditional use will not adversely affect the public interest.

a. Compliance with all applicable elements of the comprehensive plan.

The application is not in conflict with applicable elements of the Comprehensive Plan.

b. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Vehicle access for the center is by a single curb cut along Crill Ave. This street has a sidewalk, as does the building along its front. There is adequate vehicle and pedestrian access to the use. Staff is slightly concerned that there is just one point of egress – it would be preferable to have a loop driveway system to allow for smoother traffic flow for parent drop-off and pick-up (the current design requires parents to turn around in parking spaces to exit). However it would be very difficult to get FDOT approval for an additional curb cut, and there is the current and future ability for vehicles to access the currently-undeveloped neighboring properties for alternative ingress and egress to Moody Drive, Crill Ave., and even SR 19.

c. Off-street parking and loading areas, where required, with particular attention to the items mentioned in subsection (4)b of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.

The parking area, including 20 spaces and one handicapped space, is adjacent to Crill Ave., a major roadway, and is not adjacent to any residences. Zoning Code Sec. 94-262 does not specifically list child care in the table of required parking spaces, which notes that if the uses is not listed in this table the parking requirements shall be determined by the Planning Board. Some cities (Deland, Ocala) use the standard of one space per five children, plus one space for each employee, while other municipalities (Clermont, Jacksonville Beach) require one space per 300 square feet of classroom space. With the applicant's intent to expand the operation to 82 children and eight peak time employees, the first method would require 24 spaces. However by the second method, only nine parking spaces are required. It seems that there is variability in parking assessment of this use to the point that the 20 spaces will be adequate, particularly since other than the eight employees, other visitors will be dropping off children and not parking.

d. Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.

A small refuse dumpster is provided east of the building. This dumpster is not screened in accordance with Zoning Code Sec. 94-311 (required screening by plants, opaque fencing, or masonry walls to provide between six and eight feet of screening).

e. Utilities, with reference to location, availability and compatibility.

The property is appropriately served by utilities.

f. Screening and buffering, with reference to type, dimensions and character.

The property was developed prior to adoption of the City's landscape ordinance, and there are no landscape areas on the property. Staff has confirmed with the City Attorney that Zoning Code Section 94-302(b)(3) requires that a Conditional Use conform with applicable sections of the landscape code. Conditional Use

applicants in the past have not been required to conform to such Landscape Code requirements. There are two applicable landscape code sections triggered by this action: Zoning Code Section 94-303 (uncomplimentary use buffers) and 94-305 (street buffer). 94-303 requires a “D” type buffer between this property and the multi-family residences to the south. “D” buffers provide the following options.

Table 2: Applicable Buffer Planting Standards (between use and adjacent residential)

	Option 1	Option 2	Option 3
Buffer Width	40 feet	30 feet	75 feet
Canopy Trees per 100 linear feet	6	5	Undisturbed
Understory Trees per 100 linear feet	6	5	Undisturbed
Shrubs per 100 linear feet	33	25	Undisturbed
Fence Required	No	*	No

* 6 to 8 foot wood stockade fence or masonry wall; or 2 to 6 foot earth berm with wood stockade fence or masonry wall installed at highest point to provide 6 to 8 foot high buffer

The existing buffer between the use and the adjacent residences is approximately 180 feet long and 25 feet wide and is currently devoid of vegetation, with the exception of some underbrush including several cabbage palms along the rear of the building. Given the approximately 180 feet adjoining the residential area to the south along the rear property line, this code provision would require the following plantings (Option 3 is not available as there is not an area of undisturbed vegetation in the rear of the property).

Table 3: Required Buffer Plantings (between use and adjacent residential)

	Option 1	Option 2
Buffer Width	40 feet	30 feet
Canopy Trees per 100 linear feet	10	9
Understory Trees per 100 linear feet	10	9
Shrubs per 100 linear feet	59	59
Fence Required	No	Yes

The other required buffer is along the street frontage buffer, which would be required along Crill Ave as shown below.

Table 2: Applicable Street Frontage Buffer Planting Standards

	Option 1	Option 2
Street Frontage Buffer Width	5 feet	8 feet
Total Frontage	180 feet (approx.)	
Canopy Trees per 100 linear feet	2	1
Total Canopy Trees Required	4	2
Shrubs per 100 linear feet	30	25
Total Shrubs Required	108	90

While Staff believes that there should be some buffering between this use and the adjacent multi-family residential uses and also some landscaping along the roadway, the Code requirements above seem to pose an excessive burden on this relatively small use, particularly in regard to shrub planting. For this reason Staff will be proposing a Code revision that reduces required landscaping to a more reasonable level that will still

provide for some "screening and greening." At such time that these changes are adopted, the Applicant will have to meet the new standards.

As far as the applicability of this criterion, there are no special circumstances that would require screening and buffering that is beyond what would normally be required by the Landscape Code. While it is obvious that a child care center will periodically present noise impacts during outdoor play times, the use is an existing one and the expansion will not significantly change noise impacts. Therefore Staff believes that meeting the current code or whatever code changes are applicable will be adequate for the applicability of this criterion to this application.

g. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.

The business currently has three signs: a wall sign, a banner sign on the west side of the building, and a temporary sign erected along Crill Ave. None of these signs were legally permitted and will require compliance with the code prior to issuance of a certificate of occupancy for the proposed expanded area. The Code does not have any standards to prohibit glare caused by exterior lighting, therefore Staff proposes to include a condition that would include such a prohibition.

h. Required yards and other open space.

See f. above.

i. General compatibility with adjacent properties and other property in the district.

The Comprehensive Plan and Municipal Code view compatibility in light of nonresidential uses impacting residential uses. Buffering and screening improvements will reduce visual and noise impacts on the residential area to the south.

j. Any special requirements set out in the schedule of district regulations for the particular use involved.

There are no special requirements for child care facilities in the Municipal Code. Child care facilities are licensed and regulated by the state and must provide a certain amount of indoor and outdoor play space, among other things.

k. The recommendation and any special requirements of the historic preservation board for uses within the HD zoning district.

Not applicable.

Impact on Public Interest

A review of the criteria above indicates that the proposed conditional use would not present a substantially negative impact on the overall public interest of the surrounding area and the City as a whole. Required landscaping improvements would have a positive affect on the appearance of the property and surrounding properties as well.

A motion for approval should include any relevant conditions and findings for approval. Per Section 94-3(6) should the Planning Board decide to deny the application, such a motion should include the reasons for doing so, including reasons pertaining to the criteria listed above.

STAFF RECOMMENDATION

As demonstrated in this report, this application meets applicable conditional use criteria. Staff recommends approval of Case 11-14, conditional use for alcoholic beverage establishment with the following conditions:

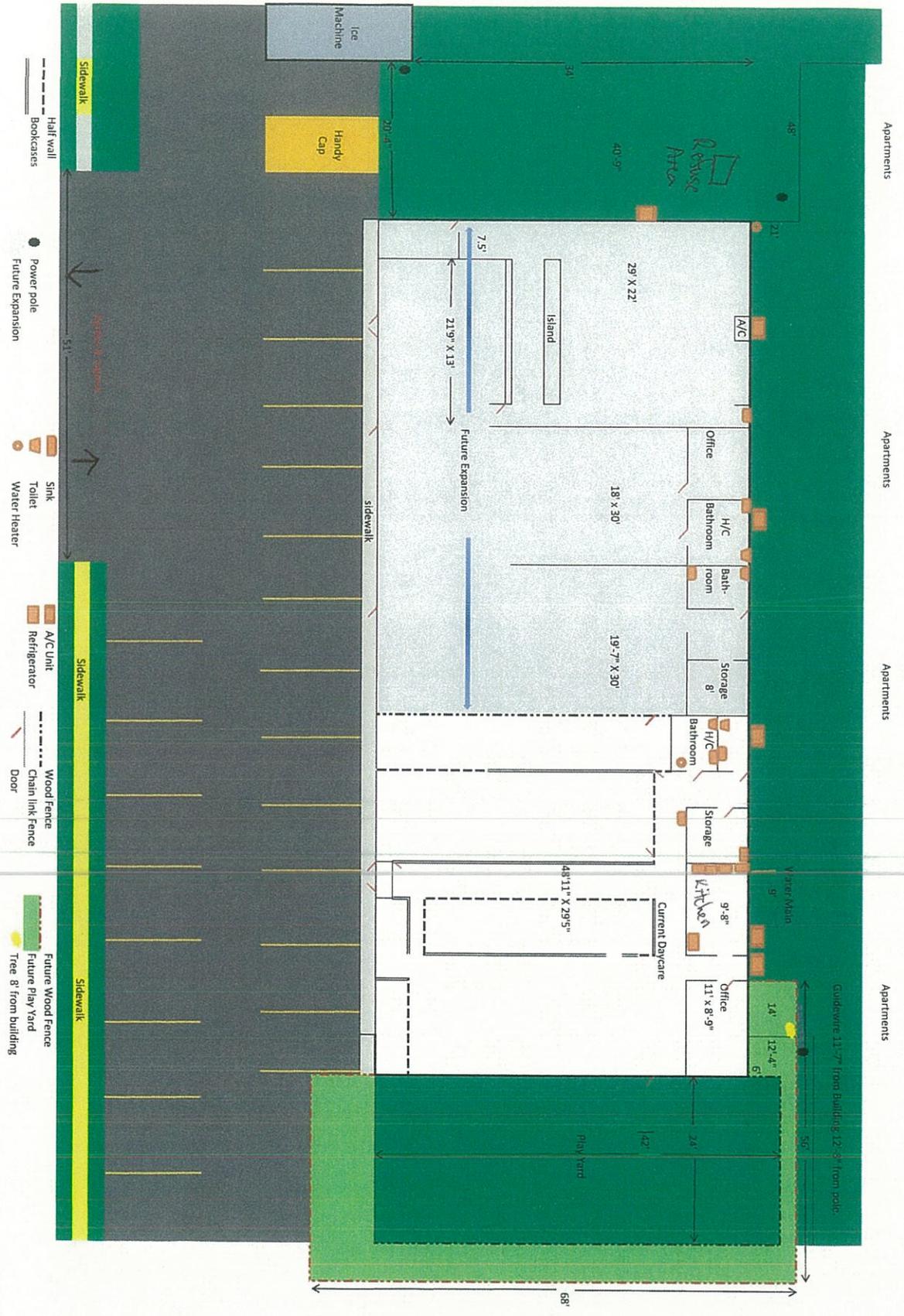
1. The use shall be permitted with a maximum number of 82 students.
2. At the Applicant's choice, the use must comply with existing landscape buffering and screening standards, or any such revised standards upon their adoption. Such planting requirements shall be determined after the Landscape Code changes are made and would not require Planning Board approval.
3. The dumpster area shall be screened per Zoning Code Sec. 94-311.
4. Any exterior lighting must be shielded and downcast so as not to create glare that shines on adjoining properties or roadways.
5. Prior to receiving a Certificate of Occupancy the applicant shall apply for sign permits for existing signs and remove any signs that are not allowed by the Sign Code.
6. The applicant or owner shall apply for and receive any necessary state approvals for the expansion of the child care use.
7. All other applicable standards of the Municipal Code must be met.

ATTACHMENTS: MAP
 APPLICANT'S SKETCH PLAN



Case 11-26

**Request for a Conditional Use for Expansion of Existing Child Care facility (A Child's Castle)
4109 Crill Ave.**



Case 11-27
Request for a Conditional Use for New Child Care Facility
2400 St. Johns Ave.
Applicant: April Annis
Owner: Lemon Heights Baptist Church

STAFF REPORT

DATE: June 27, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

Conditional Use allowing for a new child care facility. Required public notice was met, including legal advertisement, property posting, and certified letters to nearby property owners (within 150 feet).

APPLICATION BACKGROUND

The facility is located on entire block surrounded by St. Johns Ave., Oliver St., Lane St., and Benham St. The following table shows land uses of the site and vicinity.

Table 1: Site and Vicinity Land Use and Zoning Classifications

Property	FLUM	Zoning	Existing Use
Site	RM (Residential, Medium Density)	R-2 (Two-Family Residential)	existing church
Property to North (across Lane St.)	RM (Residential, Medium Density)	R-2 (Two-Family Residential)	single-family residences
Property to South (across St. Johns Ave.)	RM (Residential, Medium Density)	R-2 (Two-Family Residential)	single-family residences
Property to West (across Oliver St.)	RM (Residential, Medium Density)	R-2 (Two-Family Residential)	single-family residences
Property to East (across Benham St.)	RM (Residential, Medium Density)	R-2 (Two-Family Residential)	single-family residences

The Applicant provided a sketch plan of the site, attached with this report. The sketch indicates that the proposed use will occur within the eastern building, which includes five classrooms, a gym, and two restrooms. An outdoor fenced-in playground will be located on the St. Johns Avenue side of the building. The entrance will be from the east in and will be accessed by an unpaved loop driveway along Benham St. Parking will be in the existing parking areas along Oliver and Lane Streets, west of the building.

Section 94-3 of the Zoning Code governs Conditional Uses, and provides the authority for granting such uses to the Planning Board, although the decision can be appealed to the City Commission by an “aggrieved” person.



Figure 1 (above): Aerial View of Site

Figure 2: (below): Site from east (St. Johns Ave) – classroom building is to right





Figure 3: Classroom Building from Southeast

Figure 4: Parking Area from Rear (Lane St.)



PROJECT ANALYSIS

Criteria for consideration for Conditional Uses include the following (*italicized*) as well as the general finding that the conditional use will not adversely affect the public interest.

a. Compliance with all applicable elements of the comprehensive plan.

The application is not in conflict with applicable elements of the Comprehensive Plan.

b. Ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Vehicle access for the center for parent drop-off and pick-up as well as public safety access will be by an unpaved loop driveway on the east side of the classroom building along Benham St. There is an existing sidewalk along both sides of this street. It should be noted that this new driveway will provide more vehicular activity along this residential street than what occurs now, since the church's main vehicular access and parking lot is on the other side of the complex off Oliver Street. There are several residential homes on Benham Street that will be impacted by the drop-off and pick-up traffic, since the church classroom entrance

and driveway is very close to the street, as are the homes. Staff has discussed with the Applicant the possibility of moving the entrance and drop-off/pick-up area to the other side of the classroom building, where the building is further from residential properties and there is an existing paved loop driveway system with parking. The Applicant has indicated that this is possible, but not preferred since the west entrance does not have a security door with intercom access like the east door does. Given the current small size of the operation (seven children) staff believes it is reasonable to require the rear access only when the number of enrolled children grows to a larger number that would present a marked increase in noise and traffic impacts.

c. Off-street parking and loading areas, where required, with particular attention to the items mentioned in subsection (4)b of this section and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.

The existing parking area includes 58 spaces and is accessed by Oliver St. Impacts to this residential street will increase since the child care will occur on a daily basis in addition to the church’s Sunday and weeknight activities. Zoning Code Sec. 94-262 does not specifically list child care in the table of required parking spaces, which notes that if the use is not listed in this table the parking requirements shall be determined by the Planning Board. Some cities (Deland, Ocala) use the standard of one space per five children, plus one space for each employee, while other municipalities (Clermont, Jacksonville Beach) require one space per 300 square feet of classroom space. With the Applicant’s intent to have up to 40 children and four peak time employees, the first method would require just 13 spaces – therefore there is ample parking for this proposed use.

d. Refuse and service areas, with particular reference to the items mentioned in subsections (4)b and c of this section.

The church utilizes standard City roll-out garbage cans.

e. Utilities, with reference to location, availability and compatibility.

The property is appropriately served by utilities.

f. Screening and buffering, with reference to type, dimensions and character.

The property was developed prior to adoption of the City’s landscape ordinance and does not comply with landscape standards. Staff has confirmed with the City Attorney that Zoning Code Section 94-302(b)(3) requires that a Conditional Use conform with applicable sections of the landscape code. Conditional Use applicants in the past have not been required to conform to such Landscape Code requirements. In this case a street frontage buffer (Sec. 94-305) is triggered by the Conditional Use. The following table shows the two options and required plantings for the street frontage buffer, which would be required along all four adjacent streets.

Table 2: Applicable Buffer Planting Standards

	Option 1	Option 2
Street Frontage Buffer Width	5 feet	8 feet
Total Frontage	1,200 feet (approx.)	
Canopy Trees per 100 linear feet	2	1
Total Canopy Trees Required	24	12
Shrubs per 100 linear feet	30	25
Total Shrubs Required	360	300

Staff believes that these requirements, particularly the required shrub plantings, pose an inordinate burden on the Applicant in an existing development scenario like this and will be proposing a Code revision that provides for a variance from these requirements or reduces required landscaping to a more reasonable level.

As far as this criterion, there are no special circumstances that would require screening and buffering that is beyond what is required by the Landscape Code. Therefore Staff believes that meeting the current code or whatever code changes are applicable will be adequate for the applicability of this criterion to this application.

g. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.

The use must meet applicable provisions of the Sign Code. The Code does not have any standards to prohibit glare caused by exterior lighting, therefore Staff proposes to include a condition that would include such a prohibition.

h. Required yards and other open space.

See f. above.

i. General compatibility with adjacent properties and other property in the district.

While churches are allowed in residential zoning districts, child care creates more of a day-to-day impact. Buffering and screening improvements along Benham Street will reduce visual and noise impacts on the residential area to the east.

j. Any special requirements set out in the schedule of district regulations for the particular use involved.

There are no special requirements for child care facilities in the Municipal Code. Child care facilities are licensed and regulated by the state and must provide a certain amount of indoor and outdoor play space, among other things.

k. The recommendation and any special requirements of the historic preservation board for uses within the HD-zoning-district.

Not applicable.

l. Impact on Public Interest

A review of the criteria above indicates that the proposed conditional use would not present a substantially negative impact on the overall public interest of the surrounding area and the City as a whole. Required landscaping improvements would have a positive affect on the appearance of the property and surrounding properties as well.

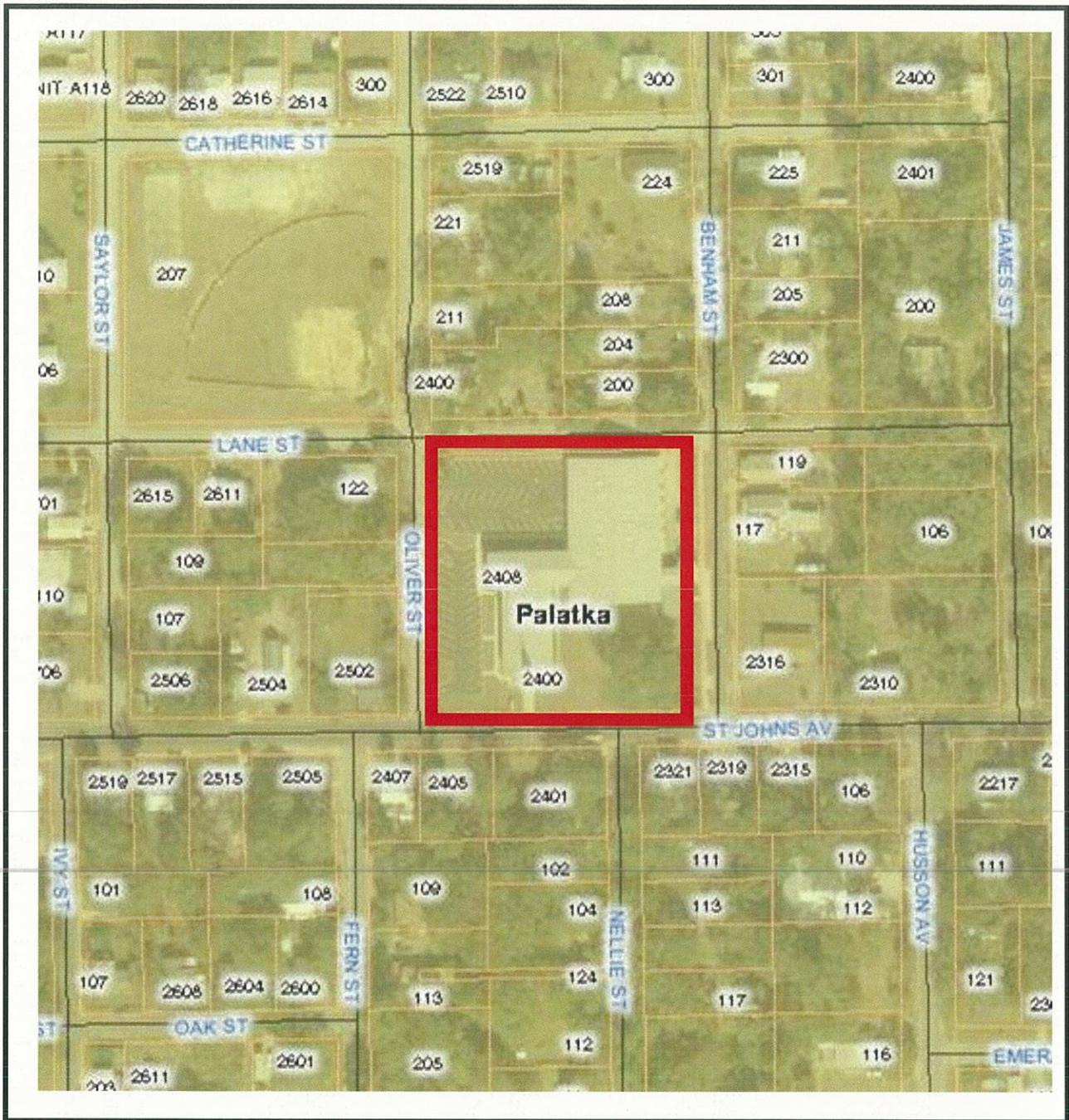
A motion for approval should include any relevant conditions and the staff findings for approval. Per Section 94-3(6) should the Planning Board decide to deny the application, such a motion should include the reasons for doing so, including reasons pertaining to the criteria listed above.

STAFF RECOMMENDATION

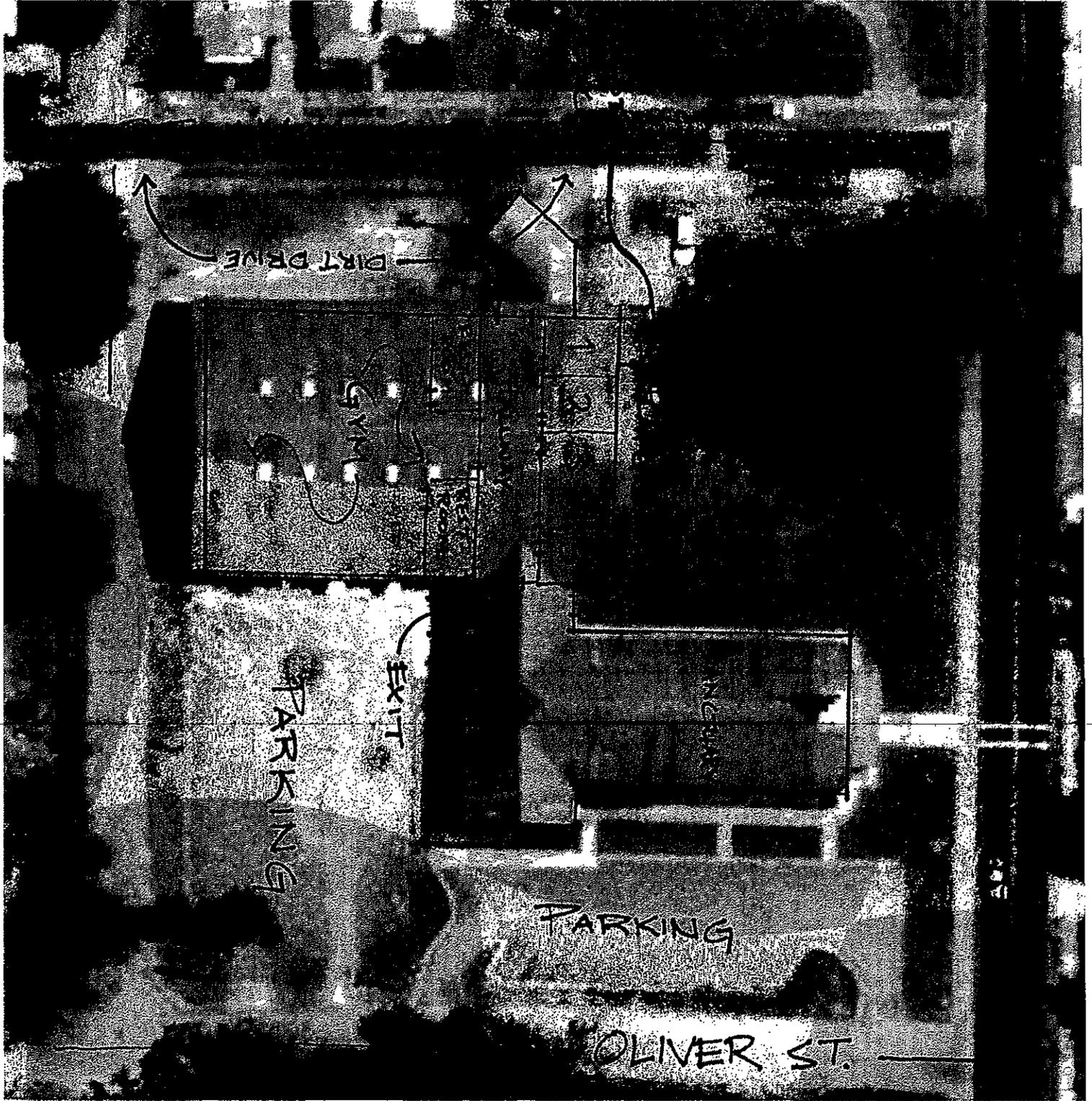
As demonstrated in this report, this application meets applicable conditional use criteria. Staff recommends approval of Case 11-14, conditional use for alcoholic beverage establishment with the following conditions:

1. The use shall be permitted with a maximum number of 70 students.
2. Should enrollment exceed 30 children, the Applicant shall move building access including parent drop-off and pick-up from the east side of the classroom building to the west side of the building.
3. At the Applicant's choice, the use must comply with existing landscape buffering and screening standards or any such revised standards upon their adoption. In particular, plantings shall be provided along Benham Street to reduce visual impacts of the activities of the outdoor playground and the parent drop-off area. Such planting requirements shall be determined after the Landscape Code changes are made and would not require Planning Board approval.
4. Exterior lighting must be shielded and downcast so as not to create glare that shines on adjoining properties or roadways.
5. The Applicant or owner shall apply for and receive any necessary state approvals for the expansion of the child care use.
6. All other applicable standards of the Municipal Code must be met.

ATTACHMENTS: MAP
 APPLICANT'S SKETCH PLAN



Case 11-27
Request for Conditional Use for New Child Care Facility
2400 St. Johns Ave. (Lemon Heights Baptist Church)



Case 11-29

Request to Amend Municipal Code
(Review Responsibilities, Sign Setbacks, Requiring Landscape Architect for
Landscape Plan Preparation)
Applicant: Building and Zoning Dept.

STAFF REPORT

DATE: June 28, 2011

TO: Planning Board members

FROM: Thad Crowe, AICP, Planning Director

APPLICATION REQUEST

To consider the following administrative text amendments to the Municipal Code:

1. Amend multiple sections of Municipal Code to more accurately assign review responsibility to Planning Director.
 2. Create new Section 62-15 to provide sign setbacks.
 3. Amend Section 94-5 to clarify relationship of Code to Comprehensive Plan.
 4. Require that licensed Florida-registered landscape architect prepare required landscape plans.
- No public notice is required for Planning Board consideration of Code changes.

APPLICATION BACKGROUND

Review Responsibilities

The third column of the following table shows who is now operationally responsible for various aspects of the Municipal Code, while the second column indicates that these duties are by Code assigned to other staffers. This is a housekeeping measure intended to reflect current practice. Please note that the position of Zoning Administrator no longer exists.

Table 1: Issue Responsibility

Issue	Responsible by Code	Actual & Proposed Responsibility
Alcohol Beverage Licensing	Zoning Administrator	Planning Director
Hist. Dist. Certificate of Appropriateness Process	Building Official	Planning Director
Issuing Business Tax Receipts	Finance Director	Building & Zoning Dept.
Zoning Code Enforcement	Zoning Administrator	Planning Director
Interpreting Zoning District Boundaries	Zoning Administrator	Planning Director
Administering Buffering and Screening Requirements	Building Official or Zoning Administrator	Planning Director
Administering Adult Entertainment Ordinance	Zoning Administrator	Planning Director

Sign Setbacks

The sign code does not spell out any sign setbacks (from property/right-of-way lines) except for the requirement that real estate signs and portable signs must be five feet off the right of way. Setbacks are also determined indirectly by a requirement in Sec. 62-6 that limits sign height by allowing one foot in height for every foot off the roadway centerline, up to the 35 foot maximum height limit. In all other situations the Code requires that as structures signs must meet the setbacks of each zoning district. These setbacks are 25 feet for C-1, C-2, and M-1. No setbacks are required in C-3, the PBG districts, and the AP districts. The end result of this is a confusing scenario where the first three districts would have signs set far off the right-of-way while signs in the other districts could go right up to the right of way.

Notwithstanding the language of the Code as described above, the practice of this department in the past has been to allow most signs to be placed right up to the property line without overhanging the property line. As the table below shows, this is not a typical practice in comparable jurisdictions. While allowing signs along the right-of-way provides maximum exposure for businesses, this exposure is not eroded significantly by providing a minimal setback from the right-of-way line which helps to reduce visual clutter as well as reduce potential visual obstructions for drivers.

Table 1: Sign Setbacks from Street Right-of-Way in Comparable Jurisdictions

Jurisdiction	Sign Setback from ROW
Apopka	0 feet
Holly Hill	0 feet
Lake City	0-15 feet
Winter Haven	3 feet
Lady Lake	5 foot
De Land	5 feet
Eustis	5 feet
Mount Dora	5 feet
Clermont	5 feet
Orange Park	5 feet
Rockledge	5 feet
Putnam County	5 feet
Seminole	6 feet
St. Augustine	10 feet
Lantana	10 feet
St. Cloud	10 feet
Winter Garden	10 feet
Oldsmar	15 feet

Additionally, Staff would recommend that the five-foot property line setback be applicable to all property lines to reduce the congregation of signs at property lines.

Requiring Landscape Architect for Landscape Plan Preparation

At this time anyone can draw and submit a landscape plan. This has presented problems with a lack knowledge of appropriate plantings, which in turn has resulted in appearance and function problems of landscape areas. Staff recommends a requirement that landscape plans be prepared by a Florida registered landscape architect and that such a professional provide a letter that the landscape installation complies with the approved landscape plan.

PROJECT ANALYSIS

Per Section 94-38 of the Zoning Code, the Planning Board must study and consider the proposed zoning amendment in relation to the following criteria (if applicable), which are shown in *italics* (staff response follows each criterion).

1) When pertaining to the rezoning of land, the report and recommendations of the planning board to the city commission required by subsection (e) of this section shall show that the planning board has studied and considered the proposed change in relation to the following, where applicable:

a. Whether the proposed change is in conformity with the comprehensive plan.

The changes do not conflict with the Comprehensive Plan.

b. The existing land use pattern.

c. Possible creation of an isolated district unrelated to adjacent and nearby districts.

d. The population density pattern and possible increase or overtaking of the load on public facilities such as schools, utilities, streets, etc.

e. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

f. Whether changed or changing conditions make the passage of the proposed amendment necessary.

The above criteria are not applicable.

g. Whether the proposed change will adversely influence living conditions in the neighborhood.

This criterion is only applicable to the sign setbacks and landscape architect requirement. The former standard provides a happy medium between maximum sign visibility and the public interest of controlling sign clutter. The landscape architect requirement will help to improve the appearance and living conditions in the City by ensuring better plant selection and placement.

h. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

i. Whether the proposed change will create a drainage problem.

j. Whether the proposed change will seriously reduce light and air to adjacent areas.

The above criteria are not applicable

k. Whether the proposed change will adversely affect property values in the adjacent area.

See response to g. above.

l. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.

See response to g. above.

m. Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

These changes apply to many and multiple properties, and do not constitute a grant of special privilege.

n. Whether there are substantial reasons why the property cannot be used in accord with existing zoning.

Not applicable.

o. Whether the change suggested is out of scale with the needs of the neighborhood or the city.

See response to g. above.

p. Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.

q. The recommendation of the historical review board for any change to the boundaries of an HD zoning district or any change to a district underlying an HD zoning district.

The above criteria are not applicable.

STAFF RECOMMENDATION

These proposed Zoning Code text amendments are in keeping with applicable criteria. Staff recommends approval of the following Code revisions of Case 11-25:

1. Amend Section 10-6 (e) to shift the responsibility of reviewing alcoholic beverage licenses from Zoning Administrator to Planning Director;

amend Section 54-78 (d) to shift the responsibility of the (historic district) Certificate of Appropriateness process from the Building Official to the Planning Director;

amend Section 78-162 (b); 78-165 (a), (b) and 78-167 to shift the responsibility of issuing business tax receipts from the Finance Director to the Building and Zoning Department;

amend Section 94-2 to change references in Definitions from Zoning Administrator to Planning Director;

amend Section 94-32, 94-34, 94-35, 94-38, 94-39, 94-40, 94-63, 94-65, and 94-66 to shift the responsibility of zoning code enforcement from the Zoning Administrator to the Planning Director; amend Section 94-112 (c) to shift responsibility interpreting zoning district boundaries from the Zoning Administrator to the Planning Director;

amend Section 94-302 (f), 94-310 (c), 94-310 (c)(2) and 94-313 (a) to shift the responsibility of administering buffering and screening requirements from the Zoning Administrator to the Planning Director;

amend Section 94-313 (a) to shift the responsibility of administering buffering and screening requirements from Building Official to Planning Director; and

amend Section 3-26; (a) 3-27 (a) & (d); 3-28; 3-29 (a),(b),(c) & (d); 3-30 (e), (f), (f2); 3-32 (a) & (b); 3-33 (a) (1) & (2); 3-34 (1) & (2); 3-35; 3-36 (a), (b) & (c)(1), (c)(2), (c)(3), & (d); 3-37 (a), (b), (d); 3-38 (a) & (g); 3-105 (1) & (2), 3-108; 3-139 and 10-6(3) to shift responsibilities of the zoning administrator to the Planning Director (Adult Entertainment regulations).

Review Responsibilities, Sign Setbacks, Requiring Landscape Architect for Landscape Plan Preparation

2. Add new section 62-15 as follows:

(a) Unless otherwise authorized in this Chapter, all signs other than those affixed to buildings shall be set back at least five feet from the right-of-way and all other property lines.

3. Revise Section 94-296 as follows in underlined text:

(d) *Landscape plan approval.* Appropriate site plans showing proposed landscape development shall be submitted to the city building department. Such plans shall be prepared by a Florida registered landscape architect, who shall also provide a letter that the landscape installation complies with the approved landscape plan. The site plan shall be drawn to scale normally of not less than one inch equals 30 feet. A different scale may be permitted for good cause shown. Landscape plan review will typically be done concurrent with building permit application review. Amendments or modifications to approved landscape plans shall be reviewed administratively within five working days. Such site plan shall include the following:

- (1) Plant name, size and location, number, spacing and size upon installation of all trees, shrubs and ground covers.
- (2) Existing and proposed landscape areas.
- (3) Existing and proposed parking areas, including access aisles, driveways, catchbasins and all vehicular use areas, scaled and/or dimensioned.
- (4) An irrigation system, including heads, valves and pump, that provides 100 percent coverage.
- (5) Locations of all existing and/or proposed structures, sidewalks, pools, fences and walls, all applicable utilities services, dumpsters and other improvements, properly dimensioned and referenced to property uses, setback and yard requirements.